



he Conserbatorship of
the Water of Tyne
and other Matters
Relating thereto



Imprinted by M. A. Richardson,
in Grey Street, Newcastle.
m.d.ccc.xlv.



The Conservatorship of the Tyne.



ACCORDING to records of the reigns of William the Conqueror, William Rufus, Henry I. and Henry II. the river Tyne was the established boundary between the county of Northumberland and the bishopric of Durham; and that, from Stanley Burn to Tynemouth, a moiety of the water thereof, on the south, belonged to St. Cuthbert and the see of Durham; that another moiety thereof, on the

north, appertained to the county of Northumberland; and that the third and middle division was free and common: the whole to be measured at high tide. This division was probably made to prevent disputes respecting the fisheries on the river.

Henry II. granted or confirmed to the then bishop of Durham, that ships should be allowed to moor on the south side of the river. But by an agreement made in 1259, between the town of Newcastle and the prior and convent of Durham, it was stipulated that the tenants of the latter at South Shields should bake and brew for themselves only, and not for strangers. In a cause between King Edward I. the burgesses of Newcastle, and the prior of Tynemouth, in 1292, it was decided "that the port within the water of Tyne, from the sea to Hedwin Streams, is the free port of the king and his heirs." In 1306, judgment was given in parliament, that the prior of Tynemouth, who had built a shore at North Shields within the flood mark of this river, should remove it at his own cost.

In 1319, the *conservatorship* of the river was recognized to be in the mayor and burgesses of Newcastle; a grant made of that power by Edward II. being recalled on their representation. The bishop of

Durham, in 1345, obtained a verdict against the king's commissioners, for trespasses done by them in intermeddling in the conservatorship of the south side of the Tyne. Edward III. and Richard II. confirmed to the bishop his moiety of the water of Tyne, with power to load and unload coals and merchandize without hindrance or molestation from the men of Newcastle. But in 1416, there was a dispute between the church of Durham and the men of Newcastle, concerning the holding of markets in South Shields, for fish, bread, and beer.

By an inquisition taken in 1447, the 25th Henry VI. the river Tyne and the soil thereof, from Sparrow Hawk in the sea, to Hedwin Streams, belonged, under the crown, to the corporation of Newcastle, which also received a royal grant of the conservatorship of the river in 1454. On June 30, 1528, Arthur Plantagenet, Vice-admiral under Henry, Earl of Nottingham, Lord High Admiral, made an acknowledgment of admiral jurisdiction granted by King John, and confirmed by succeeding princes, to the mayor and burgesses of Newcastle upon Tyne, on the view and inspection of their several grants and privileges.



COTTAGES AT DENT'S-HOLE, ON THE TYNE.

In the year 1530, the conservatorship of the river Tyne was confirmed to the mayor and burgesses of Newcastle, by an act of parliament prohibiting the shipping, loading, or unloading of any goods to be sold into or from any ship at any place within the limits of Sparhawk and Hedwin Streams, but only at the town aforesaid, and empowering the mayor, burgesses, and commonalty of that town, and their successors, to pluck down all wears, gores, and engines, that should be made in the river, to the great obstruction of the navigation thereof, between the places aforesaid.

In the year 1547, the soil of the river, from high water mark to the low, was settled upon the corporation of Newcastle; and in 1553, a third part of the river Tyne, and of the bridge over it at Newcastle, was restored, by act of parliament, to Tunstal, bishop of Durham. Queen Elizabeth, in 1589, granted the reversion of the office of the high admiralty of the port and river of Tyne to the mayor and burgesses of Newcastle, which was held by patent by Lord Howard, Lord High Admiral of England, who died January 26, 1618, but who assigned his authority in the port of Newcastle to the corporation thirteen years before his death.*

In 1603, a commission of conservatorship of the river Tyne was sent to the mayor and burgesses of Newcastle. By order of council in 1613, this jurisdiction was granted to the same corporation, jointly with the bishop of Durham and certain justices of the peace for the counties of Durham and Northumberland. But in 1616, the mayor, aldermen, and jury of the burgesses of Newcastle, exhibited a grievous complaint to the king and council, through the neglect or breach of trust of the commissioners. In consequence of this, the council, by an order dated February 14, 1616, appointed a new set of commissioners, consisting of the mayor for the time being, and 16 others, one of them an alderman, and the rest apparently burgesses of Newcastle. Thirteen new articles were added to the former nine, for the better conservation of the river Tyne, which was strictly enjoined them to provide for, *under the pain of forfeiting all the liberties* of the town of Newcastle into the hands of the king. How long the conservatorship remained in these commissioners does not distinctly appear; but from the circumstance of their being burgesses of the town, and the mayor for the time being placed at their head, the probability is that it soon fell into the hands of the corporation; for, in 1630, the prescriptive right of the mayor and burgesses of Newcastle to the conservatorship of the river was allowed in the court of King's Bench, and in the court of Exchequer the following year. In 1646, there

* This appears to be the first trace of any criminal jurisdiction of the town upon the river, which, notwithstanding the *personal* exemption granted to the burgesses by Henry VI. had always been within the High Admiralty jurisdiction. The great charter of Elizabeth, by conferring the full power of justices of the peace and gaol delivery upon the mayor, recorder, and aldermen, seems to have completely established that criminal jurisdiction, and fixed its limits co-extensively with the conservatorship, which were distinct jurisdictions, and totally unconnected and independent of each other.

The Lord High Admiral of England, in 1614, granted to the mayor and aldermen of Newcastle a commission, empowering them to fit out against pirates "on shipp or more, warlikelie appointed with men, ordnaunce, and victual sufficient for the enterprize."

were several orders of common council made for the preservation of the river Tyne.*

The banks of the Tyne are crowded with artificial mountains of ballast, which begun to be formed when the coal trade first began to be of consequence. The corporation have generally claimed the right of depositing this ballast where there is least danger of its damaging the river, by prescription, as conservators of the Tyne, strengthened by the statute 34 Henry VIII. cap. 9. The Ropery Banks at the east end of Sandgate, was, according to Bourne, the first ballast-shore out of the town.



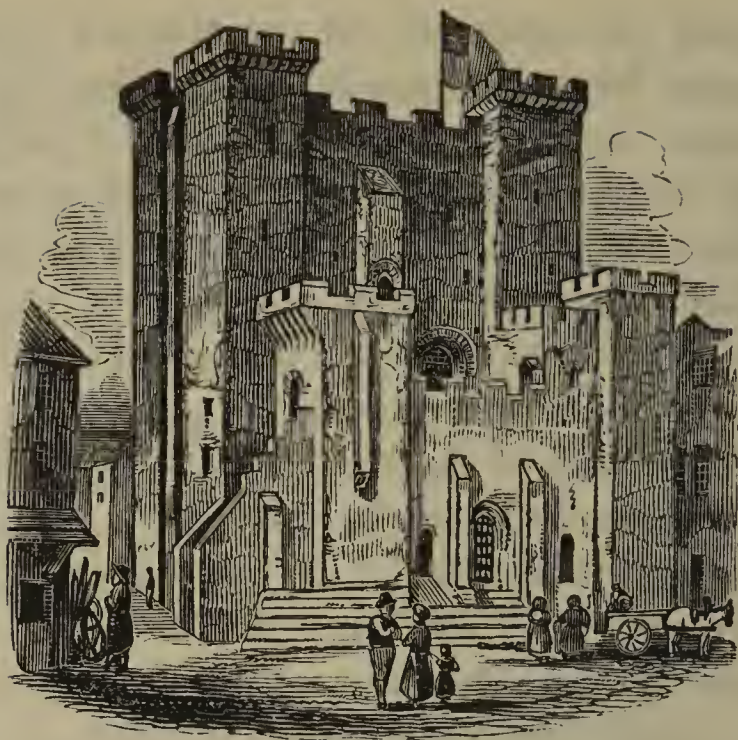
SANDGATE, NEWCASTLE.

On Ascension-day, every year, the mayor and burgesses of Newcastle survey the boundaries of the river Tyne. This annual festive

* The corporation, as conservators of the Tyne, appoint a River Jury, to whom the following oath is administered:—"You swear that you shall from time to time, as often as there shall be just cause, true presentment make of *all nuisances done in this port of Newcastle upon Tyne, between Sparrow Hawk and Hedwin streams, in the river Tyne,* and you shall do this at the admiralty, before the mayor, recorder, and aldermen of the said town, for the time being, and that without all respect of love and hatred to the persons so offending. So help you, God."

expedition, during the occupation of the Mansion house by the chief magistrate, started from the Quay in front of that building, and proceeded to or near the place in the sea called Sparhawk, returning up the river to the utmost limits of the corporation westward, at Hedwin Streams, accompanied by the brethren of the Trinity-house and the River Jury in their barges. When the chief magistrate is popular, the boats are numerous, and the scene beautiful and exhilarating.

The following account of Ascension day in May 1818, was written by an eye witness, and may be taken as a very accurate exhibition of the general characteristics of this annual civic pageant, as seen many years ago :—" I rose early this morning, having resolved upon accompanying the 'barges,' as they are popularly termed. The morning dawned beautifully, giving promise of fine weather for the festive occasion. I sauntered down to the Quayside, where great numbers of persons were engaged in decorating the various boats which were intended to take part in the procession. As I did not possess a boat, I took a seat in one of the wherries, which from being vessels of considerable size, could accommodate a great number of persons. At five o'clock the boats began to arrive from various parts of the river, and to throng about the front of the Mansion house, where the embarkation was to take place. There were observable at the oars of the various boats, a host of fine athletic fellows in clean white shirts and trousers, dashing their slim vessels over the smooth surface of the stream with admirable ease and dexterity. Almost every boat had secured some itinerant musician, no matter of what talent, and at intervals the dissonance of their music would be hushed for the purpose of listening to the wild but melodious strains of Jack, the Howden Pans fifer, whose notes sounded sweetly along the surface of the swelling river. At a little before six o'clock the guns of the old fortress above sent forth their thunder, the bells of St. Nicholas rang their merry peals, and the shipping hoisted their flags: every boat's oar fell from its perpendicular into the water, and the clear drops glistened in the sun, as the procession began to move eastward to the harmony of a party of musicians on board of the mayor's barge. On reaching the bridge, and on approaching the shipping, the music struck up 'Rule Brittania,' gladdening the hearts of the spectators who, even at so early an hour, lined the edge of the Quay to the amount of some hundreds. As the barges with a numerous retinue of smaller craft sailed down the river, the men were repeatedly saluted with shouts of gratulation and the report of cannon from the numerous founderies and other manufactories, which constitute one of the chief features of the banks of the



THE CASTLE, NEWCASTLE.

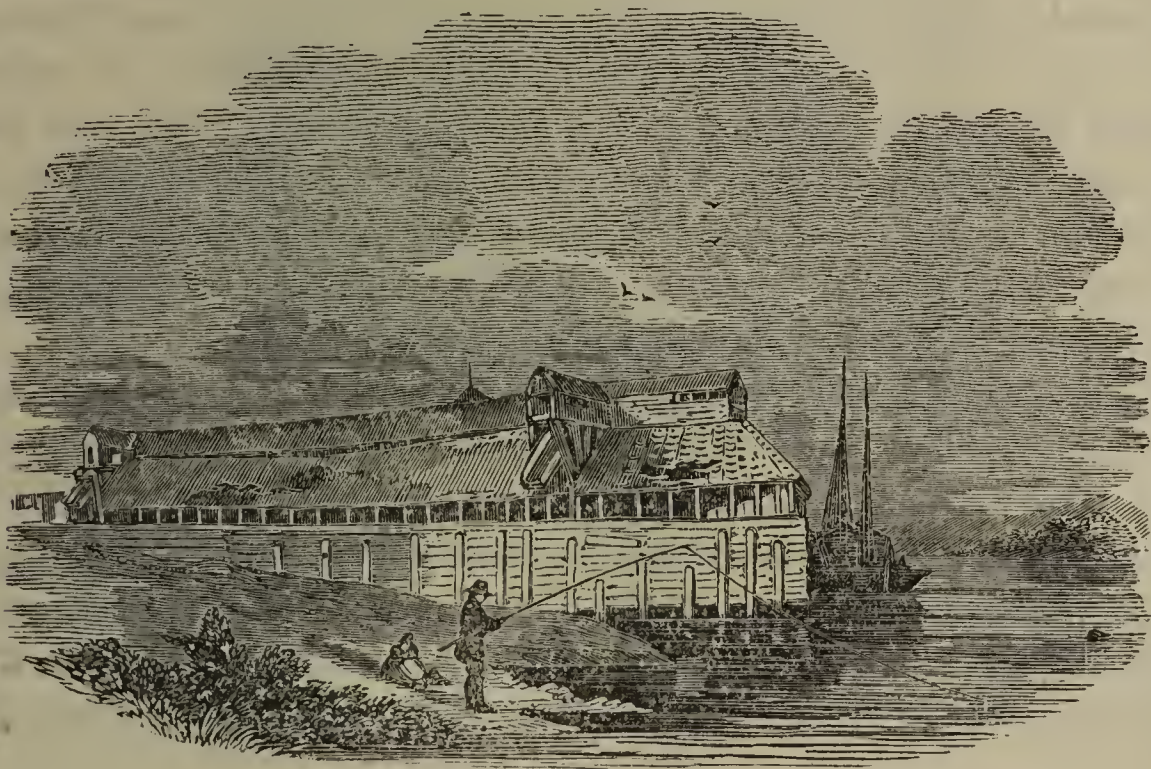
Tyne. While passing 'bonny Sandgate,' the band played 'Weel may the keel row,' which elicited much cheering, together with a due share of squalling approbation from a numerous concourse of 'keel deeters,' 'kelp carriers,' and 'market lasses.' The royal standard floated majestically from the summit of Hawks's iron works, and their artillery thundered away with military regularity and precision. One cannon they had, which, being of larger dimensions, they always fired the last, and by way of distinction denominated 'Great Neddy.' I shall never forget him, for in the midst of the booming of his comparatively puny companions, off went his greatness, filling the air with smoke, oakum, and brown paper, making the surrounding hills to echo, and the old casements to clatter in their seats, to the no small jeopardy of the many gilded spice-babies and sticks of barley sugar, with which the honest hucksters of the North Shore had bedizened their windows, for the double purpose of profit and shew. Passing the glass houses, we approached Wincomlee quay, which, Mr. Simon Danson, (who resides there as ballast assessor and governor of the powder magazine,) has rendered one of the prettiest spots on the banks of the Tyne. My heart warmed on beholding the worthy old fellow standing viewing the pageant, and making no little stir with his gunnery, and with the flapping of his flags. The barges now went briskly forward, receiving the customary salutations from the coal staiths, and by eight o'clock the procession reached the sand end of North Shields. The barge of the river jury pulled out to the Sparr Hawk, being the extent of the boundary, and, on her return, the men scattered large quantities of figs and prunes, which gave the youngsters of Shields no small employment, both on the shore and in

the river. And now the pageant began to return in more measured pace, as antient usage had rendered it imperative that every salute received, should be returned by the giving of three hearty cheers from all afloat. But the compliment was more conspicuously rendered at old Danson's, for his guns roared away in eloquent testimony of well rammed waddings and begreased muzzles. The worthy old fellow was seen bustling about, his stick in one hand and his hat in the other, and he was greeted with a shout that

‘— made the verra skies to split,
And deev'd a flock o' craws!’

The surface of the river was now literally covered with craft of various kinds, and as the day was fine, every boat had a flag or other ornament, and the scene was one of unparalleled gaiety and animation. The procession again reached the Quayside amid the applause of many thousands of spectators, and passing beneath the bridge came abreast of the Mansion house, where, amid the music of artillery and bells, the mayor and his friends disembarked to partake of a slight refecton.

After a little time the whole was again in motion, the sunny banks were crowded with people, gentle and simple, in their holiday attire, all appearing equally solicitous to join in the general festivity. The guns at the Shot tower too, thundered their welcome, and received a deafening cheer from every one present. The procession then passed Team, Lemington, and Stella, receiving and returning the usual compliments; the mayor and his party soon after landed at Newburn haughs, and the whole company were shortly engaged in a hearty



TEAM STAITH, ON THE TYNE.

dance, amid repeated showers of oranges and gingerbread, from the stray flight of which, the mayor and others of his worship's suite now and then received a friendly thump on the head, but all was good humour and gaiety.

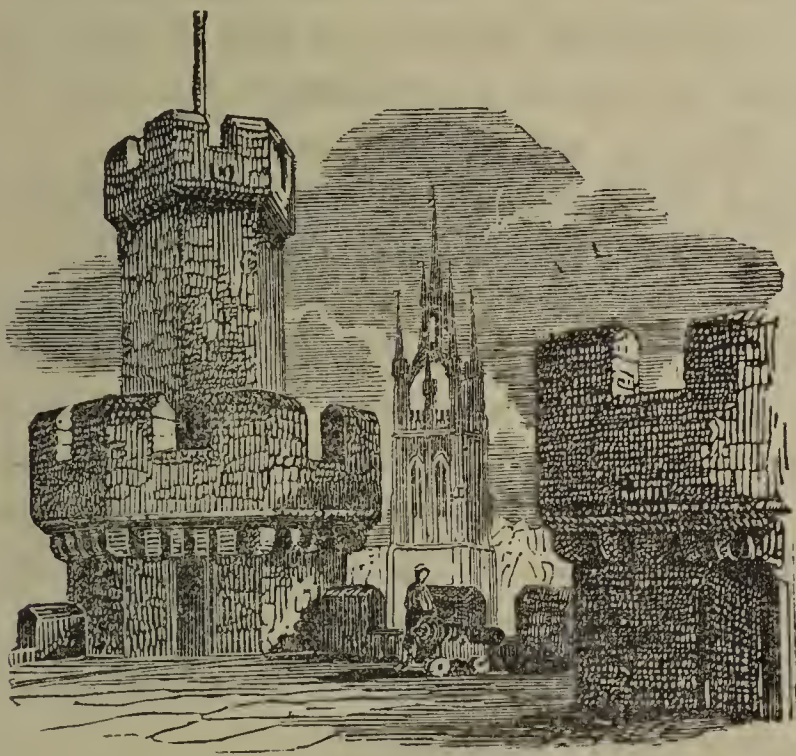
The river jury then proceeded to Hedwin streams which is situate two miles above Newburn, and as the river is shallow at this spot, the whole party was necessitated to walk, which however it did in excellent order, and to the harmony of many musicians who marched in advance. This part of the excursion was uncommonly pleasant as the country through which we went was exceedingly beautiful and picturesque. On arriving at Hedwin streams, the river jury took formal possession of their boundary stone as the mark of their utmost jurisdiction westward. Mr. Ostle, the harbour master, an individual of considerable proportions, with the help of the bargemen, placed himself on the top of the stone* with a glass of wine in his hand, and said, 'In the name of the king and the corporation of Newcastle upon Tyne, I take formal possession of this stone and declare it to be the extent of their jurisdiction westward: it has been theirs from time immemorial and will be theirs for all time to come; and I therefore propose the health of the king and the conservators of the river Tyne, at the high water mark.' This address was warmly cheered, while the pit lads began to fire off some cannon, the band to play, and bottles of wine to empty their exhilarating contents: dancing parties of men and women also began to form as if by instinct. The Cat House, a cottage a little distance from the boundary stone, was inhabited by a gentlewoman whose face bore evident marks of acquaintance with the middle of the last century; on this occasion she appeared at the door to greet the party, in a silk frock and diminutive lace cap; every gentleman uncovered in her presence, a token of respect she acknowledged with a very low courtesy. She was plentifully regaled with wine, for which she returned a flood of compliments, and then modestly intimated to the bottle holder, 'that it was customary for the empty bottle to be left at her house, and she thought it a pity to let good old customs go down.'

After a considerable time had elapsed, spent in the utmost harmony and good humour, the fallen state of the tide convinced the company that immediate departure was imperative: the pit-lads again fired their 'crackers' and the whole party marched off, and entering the boats, presented a motley floating mass, garnished with banners and flags without number, but on reaching the island called the King's meadows, the whole again landed and kept up a merry dance till it

* A pillar and slab pedestal, in all about four feet high.

was nearly dark. Here were enacted a motley series of odd sports, quaffing, dancing, leaping, running and walking; men and women running in sacks, ass races, grinning for tobacco, and other polite exercises of humanity. Then there was good store for all, of ale and porter, nuts, gingerbread and candy, and not a little of each did the roysterers consume. The 'Crooked Billet' on the river side, a hostelry of some note, on this day had its share of tenants, and many were the 'duckings' received by those who passed between the hostel and the scene of festivity. But darkness shewed itself and all that were able, embarked, the guns from the base of the shot tower sent forth their flashes from behind the trees, now plainly discernible as the sun had long been set, and in a few minutes the thunders from the old castle, the bells of Saint Nicholas, and the lowering of the flags, announced the arrival of the barges at the place of starting.

It is worthy of remark that this year was the first in which the Stewards of the Incorporated Companies, on board a highly decorated steamer, accompanied the procession,—a practice (with one or two exceptions, when the chief magistrate was unpopular) which has been continued to this day.

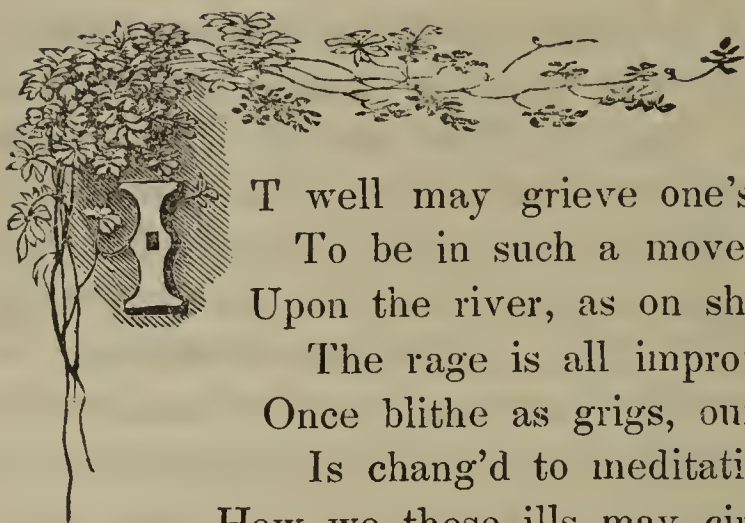


Platform of the Keep of the CASTLE, NEWCASTLE.

A NEW SONG FOR BARGE-DAY, 1835.

BY ROBERT GILCHRIST.

SUNG ON BOARD OF THE STEWARD'S STEAM-BOAT.



T well may grieve one's heart full sore,
 To be in such a movement—
 Upon the river, as on shore,
 The rage is all improvement:
 Once blithe as grigs, our merriment
 Is chang'd to meditation,
 How we these ills may circumvent—
 O what a Corporation!

The Quayside always was too big,
 As scullers have attested;
 Tant ships, that come with rampant rig,
 Against its sides are rested.
 Still to extend it in a tift,
 They're making preparation,
 And Sandgate-midden is to shift—
 O what a Corporation!

At Tyne-main once there was a caunch,
 And famous sport was found there;
 So long it stood—so high and staunch—
 All vessels took the ground there;
 But, somehow, it has crept away,
 By flood or excavation,
 And time there you need not delay—
 O what a Corporation!

They think to move Bill-point*—a spot
 So lovely and romantic—

* Bill Point, an immense jutting mass of bluff rock and soil, was situate near to Walker, on the north side of the Tyne, and proved a serious hindrance to the navigation of the river. Problematical as its removal, either in whole or in part, might appear, the

Which has sent many ships to pot,
 And set some seamen frantic;
 Then many a gowk will run to see,
 And stare with admiration,
 From Snowdon's Hole to Wincomlee—
 O what a Corporation;

How silent once was Wallsend-shore—
 Its dullness was a wonder;
 Now, from the staiths, full waggons pour
 Their coals like distant thunder;
 To have restor'd its wonted peace,
 In vain our supplication,—
 The trade, they say, it will increase—
 O what a Corporation!

Where Tynemouth-bar, I understand,
 A rock from side to side is,
 How well would look a bank of sand,
 Not higher than the tide is;
 But this, it seems, is not to be—
 In spite of my oration,
 The Tyne is still to join the sea—
 O what a Corporation!

O would the Tyne but cease to flow,
 Or, like a small burn, bubble,
 There would not be a barge-day now,
 Nor we have all this trouble;
 But here, alas! we sailing roam
 About its conservation,
 Instead of sleeping safe at home—
 O what a Corporation!

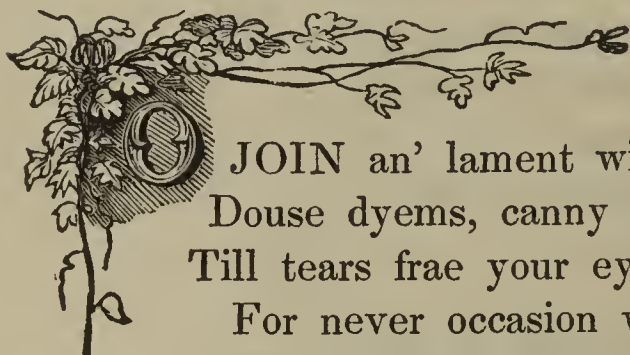
corporation thought it possible, and Rennie in his report of June 17, 1816, estimates the cost of removing the more serious projection at £16,630. Nevertheless his proposal was not acted upon until 1838-43, when the work was begun and completed under the successive superintendence of Mr. Anderson, and Mr. Brooks, engineers to the Corporation. The total cost amounted to but £5,985. The materials removed were computed at about 120,000 tons, thus increasing the width of the river an hundred and ten feet between the low water of ordinary tides. The stone got out of the Point was used towards the formation of the corporation ballast-quays at Walker and Willington, and the embankments for the quay at the North shore.—*Information of Mr. Brooks.*

THE MORAL.

As patriots in public cause,
 We never once have swerv'd yet,
 And if we have not gain'd applause,
 We know we've well deserv'd it:
 Who thinks we care for feasting, he
 Must be a stupid noddy,—
 We're, like the Herbage-committee,
 An ill-requited body.



THE following ballad was written by Robert Gilchrist to commemorate the death of John Forster, the Howden Pans fifer, to whose music we have alluded in our narrative. He was a well-known and expert musician, and met his death by the upsetting of a boat during the usual aquatic procession on Barge-day, May 27, 1824.



JOIN an' lament wi' the sons o' the Nine,
 Douse dyems, canny men, lads an' lasses o' Tyne,
 Till tears frae your eyes turn your streams into brine,
 For never occasion was rifer.

Lament—for his like never mair will ye see,
 Whee always could charm ye wi' smirkin' an' glee,
 Se blithesome his notes, an' se jocund was he,
 Jackey Forster, the Howdon Pans Fifer.

Full bloomin', unskait'h'd by the war's bloody strife,
 O had he on water ne'er ventur'd his life,
 On hills an' i' vallies which sung to his fife,
 His fame had shone brighter an' brighter.
 Wor county in him lost her pride an' her prize,
 For never agyen will sic melodies rise—
 Se shrill, yet as soft as a strain frae the skies,
 Was Jackey's, the Howdon Pans Fifer.

Au'd Heddon luik'd lang, wiv a tear in her eye,
 (Half doubtin' his fate) honest Jackey to spy—
 Her ear missed his carols—unheeded went by
 Each fiddler, an' drummer, an' piper.

Reet dowly the scene, though a sun-shiny day—
 His tunes were unecho'd—each bird on a spray
 Sat lonely an' mute, or chirp'd ower a last lay
 To Jackey, the Howden Pans Fifer.

Till Time shall be gray, an' the sun shall be dim,
 Tyne's willows an' hollies which kiss her sweet brim,
 The genius of music will wreath them for him—

For ever his nyem will delight her.

Then join an' lament wi' the sons o' the Nine,
 Douse dyems, canny men, lads an' lasses o' Tyne,
 Till tears frae your eyes turn your streams into brine,
 For Jackey, the Howdon Pans Fifer.

